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SESSIONAL WORKING GROUP ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 5th MEETING

Held at Headquarters, New York,
on Thursday, 16 April 1981, at 10.30 a.m.

Chairman: Mr. KORDS (German Democratic Repbulic)

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The meeting was called to order at 10.35 a.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 10 TO 12 (continued)

Report of Romania (E/1980/6/Add.1)

1. Mr. GORITZA (Observer for Romania) said that articles 10 to 12 to the Covenant embodied rights relating to fundamental aspects of human existence - the welfare of the family and young people, the individual's well-being and health - which were essential components of his Government's social policy. Romania's Constitution and the entire body of laws and regulations not only recognized those rights but also provided effective instruments for their enjoyment by all citizens.

2. The experience of Romania, a socialist developing country, showed that the development of the productive forces and increasing national income were the most important means of improving the material and spiritual well-being of the people and the necessary basis for the exercise of the full range of economic, social, cultural and other human rights. For that reason, the recognition of the right to work, the constant improvement of conditions for the full exercise of that right, and the creation of new jobs, especially for young people and women, were essential concerns of his Government's economic and social policy. The economically active population had risen to more than 45 per cent of the total population and special attention was being paid to the rational distribution of the productive forces throughout the national territory, which had helped to create equal development conditions in all regions and equal opportunities for all citizens to exercise their fundamental rights.

3. With regard to article 10 of the Covenant, the provisions of the Constitution and the laws in force relating to the rights of women, the welfare of the family, mothers and children, attached great importance to the guarantee of the full equality of men and women, the active involvement of women in social and political life, and to the family as a fundamental unit of society. In order to ensure favourable conditions for the advancement of women in society and to protect the rights they enjoyed by virtue of their social function as mothers, the Labour Code, the Family Code, and other legal regulations contained special provisions relating to the working conditions, breaks and time off for pregnant women and women with children under their care. The progress made in Romania with regard to maternal and child welfare was illustrated by the fact that some 97 per cent of births currently took place in maternity clinics or other such institutions. The network of day nurseries, children's homes and kindergartens had expanded considerably in recent years to the point where more than 77 per cent of pre-school children were enrolled in kindergartens and the day nurseries could accommodate more than 90,000 children.

(Mr. Goritza, Observer, Romania)

4. Among the measures adopted by the State to improve material conditions for the development of the family, children's allowances played an important role. During the period 1976-1980, the amount of such allowances paid had increased by 42 per cent. In order to increase the resources earmarked for family allowances, the Romanian State had reduced its military expenditure by 16 per cent during the preceding three years. More than 4.5 million children benefited in 1980 from children's allowances, which were increased according to the number of children in the family. Mothers raising five or more children under the age of 18 were entitled to supplementary assistance.

5. His country's laws and practice were very strict with regard to the employment of children. Under the Labour Code, employers were not permitted to hire children under the age of 16, and young people under 18 years of age could not be assigned to arduous, dangerous or unhealthy work or to night work. Employers were obliqated to assist young workers so that they could complete at least the required 10 years of schooling.

6. Guaranteeing an adequate level of living to all citizens was linked to the country's economic potential and development. Under the five-year plan for the period 1976-1980, major strides had been made in modernizing the technical and material basis of the economy, harmoniously developing the productive forces throughout the national territory and raising national income. Such progress was made despite the serious difficulties which had plagued Romania, as well as other countries, as a result of the worsening of the world economic crisis. At the same time, it had been necessary to make special efforts to repair damage caused by the earthquake which had occurred in 1977.

7. As a result of a series of measures taken to increase salaries, the income of wage earners had increased by 76.3 billion lei between 1975 and 1980. During that same period, the average salary had increased by more than 40 per cent and the real income of farmers by 29 per cent, exceeding the targets set in the five-year plan.

8. Allocations under the budget for social services had increased by more than 39 per cent between 1975 and 1980. As a result, 5.6 million pupils and students were enrolled in Romanian schools in 1980 and 14.3 billion lei had been spent on medical care, which was provided free to the people. Pensions had increased by more than 26 per cent during the recently ended five-year period, with more substantial increases for individuals receiving the smallest pensions. The pensions of members of agricultural co-operatives had been raised by 20 per cent, and since 1979 the pension scheme had been extended to cover all farmers.

9. With the increase in income the sale of goods had risen by 42.2 per cent between 1975 and 1980, while the availability of food, household goods and services had also expanded. One of the essential features of the country's economic and social policy was to maintain the prices of food and consumer goods within equitable limits. Despite difficulties and inflationary pressures, the prices of such products had increased only within planned limits (around 6 per cent over five years), while the prices of food staples had remained virtually unchanged over the last 20 years.

(Mr. Goritza, Observer, Romania)

10. A major effort was being made to increase housing construction and 800,000 units had been built in the period 1976-1980.

11. The right to health, which was guaranteed under article 20 of the Constitution, was covered by a range of measures in the economic, social and health spheres. In the past five years, major measures had been adopted to develop and improve the health care infrastructure. In 1980 there were 9.4 hospital beds for every thousand people and one medical doctor for every 558 people, as against one for every 624 in 1975. The improvement in the health of the population as a result of such measures was reflected in the increase in average life expectancy to 70 years.

12. The measures adopted by the Romanian Government to give effect to the rights provided for in the Covenant reflected its fundamental concern to ensure for all citizens ever-improving living and working conditions and continually to increase the material and spiritual well-being of the population.

13. Mr. DIA (Senegal) asked whether the provision of special assistance and confinement grants to the mothers of three or more children did not imply unequal treatment of mothers who had fewer children. He would also like to know more about the pension scheme established under Act No. 5/1977 for farmers in areas not covered by co-operatives and for individual farmers.

14. Mr. SOFINSKY (Union of Soviet Socialist Republics) said that the report of Romania painted an impressive picture of the legal provisions in force relating to the rights covered by the Covenant. As a frequent visitor to Romania, he knew that the picture presented was an accurate reflection of the economic and social realities of the country. The introductory statement by the Observer for Romania showed that the Romanian Government had amply complied with its obligations under the Covenant.

15. He noted that article 154 of the Labour Code provided that, from the seventh month of pregnancy onwards, women could not be assigned to night work, while it was indicated further on in the report that pregnant women from the sixth month of pregnancy onwards could not be assigned to night work. He asked for clarification with regard to the apparent discrepancy.

16. He requested further information on housing construction and on assistance provided to mothers in the raising of their families.

17. Mr. SVERRE (Norway) asked whether wages were determined by political decision or negotiated by trade unions. He also wished to know to what extent pay rises merely reflected inflation or actually represented an increase in real terms in the income of workers.

18. Mrs. JIMENEZ BUTRAGUEÑO (Spain) noted that under article 157 of the Labour Code, women with sick children under the age of three could be granted paid leave to look after them and that women with children under the age of six were given the option to work half time, and asked whether fathers who were raising children of those ages alone were also entitled to such benefits.

(Mrs. Jimenez Butraqueño, Spain)

19. Article 5 of Act No. 3/1970 referred to children and adolescents with treatable handicaps. She requested information regarding measures of assistance for those whose handicaps were not treatable, and regarding the treatment of handicapped adults generally. Additional information about the rest homes and nursing homes referred to in article 2 of Act No. 3/1977 and the treatment of elderly persons, in general, would also be appreciated.

20. Mrs. BOSHKOVA (Bulgaria) requested further information regarding the kindergarten system and the legal situation of children born out of wedlock.

21. Mr. BORCHARD (Federal Republic of Germany) observed that the report of Romania provided a very full description of the legal provisions in force dealing with the rights covered by articles 10 to 12 of the Covenant but that it was short on facts and figures illustrating how such rights were actually enjoyed.

22. Article 11 of Act No. 4/1973 provided that citizens could have privately owned dwellings built for themselves and their families using their own resources or States resources and loans, but no figures were provided on how many such units had actually been constructed or on the percentage of such units built with private or State financing respectively. He wished to know what share of the housing stock was owned by private citizens and by the State, and which form of ownership was on the rise.

23. Lastly, he noted with interest the information provided in the report concerning the protection of the environment. To his knowledge it was the first instance of any such information being provided in a report considered by the Working Group.

24. Mr. SAMSON (International Labour Organisation) drew attention to the indications concerning Romania, contained on pages 28 and 29 of the report of the ILO Committee of Experts (E/1981/41), in particular the provisions concerning maternity leave and cash benefits and the positive measures of protection provided under the Labour Code. The Committee of Experts had considered that additional information would be desirable on any measures regulating the type of work to which women members of agricultural production co-operatives might be assigned before and after childbirth.

25. With regard to the protection of children and young persons, the Committee of Experts had requested information in connexion with Convention No. 137 on measures to limit work outside school hours by children under 16 years of age who were not members of an agricultural co-operative or engaged under an employment contract.

26. Mr. DIACONU (Observer for Romania), replying to the question asked by the representative of Senegal concerning the possible existence of discrimination between women having one or two children and those having more children, explained that in Romania all women responsible for raising children enjoyed the same rights. However, after a certain number of children, the State provided additional assistance, for example after having three children women received a confinemenmt grant at each birth and family allowances were increased to take into account the problems faced by families with more than two children. Of course, such measures were also designed to increase the birth rate in Romania.

(Mr. Diaconu, Observer, Romania)

27. Replying to questions concerning the pensions of farmers who were not members of agricultural co-operatives, he noted that the pension system evolved in accordance with the economic potential of the country. The growth of the national economy resulted in a higher standard of living and in better possibilities for fulfilling the rights of the population. All members of the population over the age of 60 were covered by a general pension system. The last category of the population to benefit from such coverage was, in fact, farmers who were not members of agricultural co-operatives. However, they had recently been included in the system, and currently 5,000 such farmers received old-age and health coverage. The necessary funds were provided by the State and by the nominal monthly contributions paid by the farmers themselves, under the same conditions as those applicable to members of agricultural co-operatives.

28. Referring to the discrepancy in the report noted by the representative of the Soviet Union, he indicated that expectant mothers could not be assigned to night work from the seventh month of pregnancy onwards.

29. In connexion with questions raised about housing construction, he pointed out that the State was giving growing attention to that problem because of the difficult situation inherited from the past, which had been made worse by the earthquake and floods which had occurred in recent years. Replying to the question asked by the representative of the Federal Republic of Germany he explained that between 1976 and 1980 more than 755,000 new housing units had been built with State resources and had been made available to the population at moderate rents. During the past five years, 90,000 housing units had been built with private funds, together with State contributions in the form of land, building materials and credit. However, it was difficult to indicate the exact proportion of housing built by the State and by individuals. In rural areas most homes were privately owned, and in urban areas the number of such homes was increasing. As the income of the population increased, more and more people were starting to build their own homes, with the assistance of the State. The State still built houses for those who were not yet able to build their own. Thus, while both sectors were dynamic, the number of privately built units was growing steadily.

30. Replying to questions asked about measures benefiting pregnant women, he noted that such women were entitled to 52 days of paid maternity leave before delivery and 66 days after delivery. Moreover, their work schedule was reduced, without any reduction in salary, for three years after the birth of a child. They were also entitled to paid leave in order to care for sick children.

31. Replying to a question from the representative of Norway concerning salary levels and increases, he indicated that salary levels were determined by policy decisions, after thorough consultation with all the interested parties. The rate of salary increases was also determined on the basis of such consultation. Salary levels and increases depended on the country's level of economic development. He pointed out that the figures relating to the actual wages paid were absolute figures, whereas the percentages of increase were given in real figures, taking into account inflation.

(Mr. Diaconu, Observer, Romania)

32. Replying to a question from the representative of Spain concerning instances in which child care was provided by the father, he noted that under Romanian legislation both parents had equal rights in the raising of children. Accordingly, the father also received paid leave, for example, to care for a sick child. With regard to untreatable handicapped children, he explained that at a very early age such children were placed in institutions, where every effort was made to ensure their recovery. If that was not possible, they were given instruction consistent with their potential and, after the age of 16, they began to work in whatever way they could. In Romania, many enterprises had special sections where the work was done by handicapped people. The handicapped could thus be productive, and they received a salary commensurate with the volume of their production. However, they remained in institutions - they even formed "families" there - and they received assistance from the State throughout their lives.

33. The representative of Spain had also asked about the rest and nursing homes referred to in article 2 of Act No. 3/1977. In that connexion, he pointed out that there were 14 different religious sects in Romania; many of them operated such homes and had their own pension and medical insurance systems. Although the ways in which such homes were operated differed, for example in terms of their funding, pensioners there enjoyed all the rights to which they were entitled under Romanian law.

34. Referring to a question from the representative of Bulgaria concerning kindergartens, he replied that the network of kindergartens had grown considerably. Kindergartens existed at places of employment in order to assist working mothers, or at the village, communal or district level for children living in specific localities. Currently some 1 million, or 77 per cent, of the pre-school children, attended the more than 13,000 kindergartens in Romania. The educational aspects of the care provided in kindergartens were ensured by duly qualified staff.

35. Replying to questions concerning children born out of wedlock, he stressed that, under the Romanian Constitution and laws, children born out of wedlock enjoyed the same rights as legitimate children, including inheritance rights.

Report of the United Republic of Tanzania (E/1980/6/Add.2)

36. Mr. MBAPILA (Observer for the United Republic of Tanzania), introducing his Government's report, explained that, since the United Republic of Tanzania was a poor country with very limited financial and human resources, it had been a great achievement to produce the report under consideration. The sacrifices entailed showed how seriously his country took the question of economic, social and cultural rights. The United Republic of Tanzania had lofty ideas and was doing its best to realize them.

37. The report contained an account of legal measures adopted to implement article 10 of the Covenant. In connexion with article 11, he pointed out that perceptions of what constituted an adequate standard of living differed from country to country. Although it was a poor country, the United Republic of Tanzania was working hard to provide a decent life for its people. Referring

(Mr. Mbapila, Observer, Tanzania)

to the right to adequate food, he explained that, although his country had hoped to achieve food self-sufficiency by 1981, that goal had not yet been achieved. The effects of inflation, high oil prices, high prices of farm machinery and spare parts had hampered food production efforts, but the worst problem had been the severe drought affecting his country. He stressed, however, that when his country had faced famine a few years earlier, the Government had decided to use foreign currency reserves to import food, and no lives had been lost.

38. Mr. DIA (Senegal) noted that, in considering the reports submitted by former colonial countries, it was important to base one's judgement on what had been achieved since independence. In view of the fact that the report under consideration had been prepared in 1979, he requested additional information concerning the benefits available to women in rural areas and asked whether any measures were planned to remedy the inadequacy of such benefits.

39. Mr. MILAMBU (Zaire) noted that many of the refugees who had poured into the United Republic of Tanzania worked for the Government. Accordingly, he asked whether they received any special benefits from the Government, for example in connexion with housing. He also asked how the cultural rights of foreigners were guaranteed, for example in relation to their art and music.

40. Mr. SOFINSKY (Union of Soviet Socialist Republics) agreed that the newly independent countries faced particular difficulties in view of the fact that they had not been masters of their development for many years. Accordingly, the report submitted by the United Republic of Tanzania rightly referred to the financial limitations affecting the implementation of the provisions of the Covenant. However, it also referred to the Government's desire to develop a socialist society, to ensure the rule of law and to implement the rights set forth in the Covenant. The Government and people of the United Republic of Tanzania were fully aware of the problems which that entailed and yet they had embarked on that endeavour.

41. Referring to the National Education Act and compulsory school attendance at the primary level he asked to what extent such provisions had been successful, whether some children faced particular obstacles in that connexion and what measures had been taken to ensure that that Act was being fully implemented. Referring to the large number of refugees in the United Republic of Tanzania, he asked what role they played and what their general situation was.

42. Mr. SVERRE (Norway) observed that the clear and forthright report of the United Republic of Tanzania could serve as a model for such submissions and requested information about the most serious obstacles to the achievement of an adequate standard of living and the priority which the Government accorded to overcoming them.

43. Ms BOSHKOVA (Bulgaria), noting that the report reflected the great efforts being made by the Government of the United Republic of Tanzania to achieve social justice and an adequate living standard for all, asked for details about the Government's special campaign to mobilize people to build decent housing.

44. Mrs. JIMENEZ BUTRAGUEÑO (Spain) asked how large the active female population of the country was, whether a women's rights movement existed and whether the Government helped women to find work outside the home or placed a higher value on their domestic role.

45. Mr. BORCHARD (Federal Republic of Germany) commended the sincerity and frankness with which the report admitted shortcomings. He was interested to know more about the Government's experience with the system of fixed producer prices to which the report referred, in particular whether it had led to real increases in production and whether producer prices were more or less the same as prices to the consumer. He inquired whether special subsidies were provided for food staples bought by the average farmer or worker.

46. Mr. SAMSON (International Labour Organisation) drew attention to observations on the observance of the provisions of the Covenant in the United Republic of Tanzania which appeared in the report of the ILO Committee of Experts (E/1981/41). The Committee of Experts considered that more information was desirable on progress in extending the facilities for medical care for women during pregnancy and confinement which were mentioned in the Government's report. In addition, while there were provisions for maternity leave with pay, they did not apply to all workers in all circumstances. The Committee of Experts suggested therefore that information was desirable on any further measures to extend financial assistance to working women before and after childbirth. Information would also be appreciated on any further measures to regulate the working conditions of women during pregnancy and after childbirth.

47. With regard to work by children and young persons, the Committee of Experts would welcome more information on the subject of measures either taken or contemplated to raise the minimum age for employment in non-industrial activities, to determine the kinds of dangerous, unhealthy or unsuitable work prohibited for persons under 18 years of age, to raise the minimum age for the manual transport of loads to regulate hours-of-work and overtime for young persons, and to regulate work by children and young persons outside an employment relationship.

48. The Committee of Experts had already emphasized the need to take account of the "progressive raising of standards of welfare" in its report for 1979 (E/1979/33, para. 12). The various matters referred to in its fourth report were thus ones to which attention might be given in future reports by the Government of the United Republic of Tanzania.

49. Mr. MBAPILA (United Republic of Tanzania), replying to the question about the protection of mothers in rural areas asked by the representative of Senegal, said that the Government had tried ever since independence to rectify the inherited imbalance between rural and urban areas by giving priority in its programmes to rural areas, where 95 per cent of the population lived. Three aspects enjoyed top priority. The first was that of water supply, which was one of the biggest problems. Mothers had formerly had to walk miles to fetch water with their children on their backs, or had had to leave them at home unattended. The Government aimed to provide piped water to all the 8,000 villages in which the rural population was now largely concentrated, and its programme was doing well. The second aspect was that of health-care facilities, where the Government aimed

(Mr. Mbapila, Observer, Tanzania)

to provide a clinic in every village. More than half already had a clinic or were served by mobile units from nearby villages. Each village was also to have a day-care centre where mothers could leave their children when they returned to work; again the programme was going smoothly. In the third field, that of universal free primary education for children, there was now a school in every village.

50. On the question of the status of refugees raised by the representative of Zaire, his country had accepted its share of refugees, as it was obliged to do as a Member of the United Nations. Currently they numbered some 200,000 and had come from South Africa, Namibia, Zimbabwe, Uganda, Zaire, Rwanda and Burundi. His country treated them like its own citizens and shared its scarce resources with them. The Government had distributed land to refugees and the refugee camps which were among the best in the world, had become largely self-reliant. On the specific question of refugee cultural activities, the Zairians in particular excelled in music and dancing and were a definite asset. The Government had recently offered citizenship to some 30,000 refugees.

51. The representative of the Soviet Union had asked about progress in implementing universal primary education. The popular response to the Government programme had been overwhelming and there were still some bottlenecks, particularly with the provision of teachers and classrooms.

52. On the subject of the level of living which had been raised by the representative of Norway, he said that, for a poor country like Tanzania, the priorities were for people to have shelter and education, to participate in the Government and development of the country, to enjoy the necessary minimum of health and be free from ignorance. The report provided information on the level of living as it was understood in his country and on the efforts being made to raise it. The representative of Bulgaria had inquired how the housing problem was being tackled. Various methods were used. People in the villages were encouraged to use their own initiative to build houses one by one and the Government had set up institutions such as the Tanzanian Housing Bank which provided soft loans at subsidized interest rates to enable individuals to build. Villages could also apply for loans on a collective basis. In urban areas there were slum clearance programmes, under which people were encouraged to form co-operatives to demolish old buildings and provided with loans and materials to enable them to build improved replacement structures.

53. The representative of Spain had inquired about the role of women, which was an area in which Tanzania had done very well in difficult circumstances. Women played an important role and had their own national organization affiliated to the Party, which ensured that women's interests were well represented in the national development effort. The lack of any discrimination on the grounds of sex was evidenced by the fact that women headed two important ministries - Justice and National Education - and held a number of other responsible positions.

(Mr. Mbapila, Observer, Tanzania)

54. The representative of the Federal Republic of Germany had asked questions relating to food policy which were too involved to answer in the short time available. Government attempts to set producer prices had not been wholly successful, since the raising of prices for some crops led to the neglect of others, and could ultimately result in a one-crop economy. The attempt to encourage coffee production for export incurred the risk of exposure to fluctuations in the world market and could result in political and psychological problems if growers did not receive the benefit expected. The Government was monitoring and adjusting prices and a new structure had been announced recently, but its attempts to earn foreign currency were subject to conditions abroad.

55. The CHAIRMAN said that, as no other delegation wished to speak, the Working Group had thus concluded its consideration of the report of the United Republic of Tanzania.

The meeting rose at 12.55 a.m.